



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 29, 2011

The Honorable Ken Bennett
Secretary of State
1700 West Washington, 7th Floor
Phoenix, Arizona 85007

RE: Senate Bill 1329 (public employees; lobbying; political activities)

Dear Secretary Bennett:

Today I vetoed Senate Bill 1329. I strongly support the principle that while performing the work of the people, public employees should not use public resources for political activities or lobbying. However, state law already addresses this issue. Senate Bill 1329, threatened to muddy the waters significantly – especially because it does not define “public employee” or “political activity.” For instance, legislators are not clearly excluded from these limits. Would this bill prevent legislators from speaking to a community group assembled for lunch on the capitol lawn, or from talking to other members to encourage support of their bills?

I look forward to working with the Legislature in the future to more effectively eliminate potential abuses of public resources in political activities.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer".

Janice K. Brewer
Governor

Cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable Frank Antenori
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1329

AN ACT

AMENDING TITLE 38, CHAPTER 3, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 38-450; RELATING TO PUBLIC OFFICERS AND EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 38, chapter 3, article 4, Arizona Revised Statutes,
3 is amended by adding section 38-450, to read:

4 38-450. lobbying or political activity during hours of
5 employment prohibited; use of public entity space or
6 equipment for political activities prohibited;
7 exemptions; definitions

8 A. A PUBLIC EMPLOYEE WHO IS PAID IN WHOLE OR IN PART FROM TAXPAYER
9 MONIES SHALL NOT LOBBY A GOVERNMENTAL ENTITY DURING THE EMPLOYEE'S HOURS OF
10 EMPLOYMENT UNLESS THE EMPLOYEE LOBBIES USING THE EMPLOYEE'S VACATION OR
11 COMPENSATORY TIME, USES RELEASE TIME AUTHORIZED BY THE GOVERNMENTAL ENTITY
12 WITHIN THE FRAMEWORK OF A LABOR-MANAGEMENT AGREEMENT SUCH AS A MEMORANDUM OF
13 UNDERSTANDING OR TAKES AN UNPAID LEAVE OF ABSENCE. THIS SUBSECTION DOES NOT
14 APPLY TO A PUBLIC EMPLOYEE WHO IS REGISTERED AS AN AUTHORIZED PUBLIC LOBBYIST
15 OR DESIGNATED PUBLIC LOBBYIST AND WHO LOBBIES FOR THE EMPLOYER AS PART OF THE
16 EMPLOYEE'S OFFICIAL DUTIES.

17 B. A PUBLIC EMPLOYEE WHO IS PAID IN WHOLE OR IN PART FROM TAXPAYER
18 MONIES SHALL NOT ENGAGE IN ANY POLITICAL ACTIVITY DURING THE EMPLOYEE'S HOURS
19 OF EMPLOYMENT UNLESS THE EMPLOYEE ENGAGES IN THIS ACTIVITY USING THE
20 EMPLOYEE'S VACATION OR COMPENSATORY TIME, USES RELEASE TIME AUTHORIZED BY THE
21 GOVERNMENTAL ENTITY WITHIN THE FRAMEWORK OF A LABOR-MANAGEMENT AGREEMENT SUCH
22 AS A MEMORANDUM OF UNDERSTANDING OR TAKES AN UNPAID LEAVE OF ABSENCE.

23 C. A PUBLIC ENTITY SHALL NOT USE TAXPAYER MONIES TO FUND ANY PART OF A
24 RALLY, PROTEST OR LOBBYING EFFORT. THIS SUBSECTION DOES NOT APPLY IF THE
25 PUBLIC ENTITY LEASES SPACE OR EQUIPMENT AT FAIR MARKET VALUE TO ENTITIES
26 ENGAGED IN SUCH A RALLY, PROTEST OR LOBBYING EFFORT OR TO AN EMPLOYEE WHO IS
27 REGISTERED AS THE AUTHORIZED PUBLIC LOBBYIST OR THE DESIGNATED PUBLIC
28 LOBBYIST OF THE ENTITY AND WHO LOBBIES FOR THE ENTITY AS PART OF THE
29 EMPLOYEE'S OFFICIAL DUTIES.

30 D. A CANDIDATE FOR PUBLIC OFFICE MAY REQUEST INFORMATION THROUGH THE
31 PUBLIC RECORDS LAW AS TO WHETHER A PUBLIC EMPLOYEE OR PUBLIC ENTITY IS OR MAY
32 BE IN VIOLATION OF THIS SECTION. IF A CANDIDATE MAKES SUCH A REQUEST,
33 NOTWITHSTANDING SECTION 39-121.01, THE CUSTODIAN OF THE PUBLIC RECORDS SHALL
34 FURNISH THE INFORMATION REQUESTED WITHIN TEN DAYS.

35 E. THIS SECTION DOES NOT APPLY TO A PUBLIC EMPLOYEE WHO IS DESIGNATED
36 TO SERVE AS AN EMPLOYEE REPRESENTATIVE FOR A LAW ENFORCEMENT EMPLOYEE
37 ASSOCIATION THROUGH A CONTRACTUAL ARRANGEMENT OR BY ACKNOWLEDGEMENT OF THEIR
38 POSITION BY THE PUBLIC EMPLOYER.

39 F. FOR THE PURPOSES OF THIS SECTION, "AUTHORIZED PUBLIC LOBBYIST",
40 "DESIGNATED PUBLIC LOBBYIST" AND "LOBBYING" HAVE THE SAME MEANINGS PRESCRIBED
41 IN SECTION 41-1231.

Passed the House April 19, 20 11,

by the following vote: 36 Ayes,

23 Nays, 1 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate March 8, 20 11,

by the following vote: 21 Ayes,

29 Nays, 0 Not Voting

[Signature]
President of the Senate

Channing Billington
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1329

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 19, 20 11

by the following vote: 21 Ayes,

9 Nays, 0 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

20 day of April, 20 11

at 12:00 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this _____ day of _____

VETO
at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20 _____

S.B. 1329

at _____ o'clock _____ M.

Secretary of State